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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/053,402 | 01/17/2002 | Jeffrey G. Anderson | 14466-006001 | 1590 |

| | | |
|---|---|---|
| 23377     7590     01/05/2007 | | EXAMINER |
| WOODCOCK WASHBURN LLP | | TANG, KAREN C |
| CIRA CENTRE, 12TH FLOOR | | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2151 | |

2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 01/05/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | Application No. | Applicant(s) |
| **Office Action Summary** | 10/053,402 | ANDERSON ET AL. |
| | Examiner | Art Unit | |
| | Karen C. Tang | 2151 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *30 October 2006*.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in

  37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

  eligible for continued examination under 37 CFR 1.1 14, and the fee set forth in 37 CFR

  1.17(e) has been timely paid, the finality of the previous Office action has been

  withdrawn pursuant to 37 CFR 1.1 14. Applicant's submission filed on 10/30/06 has been

  entered.

- Claims 1-20, 25-30 are presented for further examination. Claims 21-24 have been

  cancelled. New 25-30 are presented for Examination.

### *Election/Restrictions*

Newly submitted claims 25-30 are directed to an invention that is independent or distinct

from the invention originally claimed for the following reasons: Independent Claims 25 and 28

contain limitations that are separate utilities (i.e., in Claim 25 and 28, where sending, by the

server, notification to the client device that the received file is available; receiving, by the server,

instructions from the client device directing the transfer of the received file to a destination

device;) from the independent Claims 1, 8 and 15, and require separate search and consideration.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for prosecution

on the merits. Accordingly, claims 25-30 are withdrawn from consideration as being directed to

a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Response to Arguments*

Applicant's arguments filed 11/30/06 have been fully considered but they are not persuasive.

Applicant argued that the local agent is responsive to task requests received from the server during periodic polling intervals. A local agent that enable access to data or files on a plurality of local devices is neither disclosed nor suggested by Hile.

The argument is respectfully traversed.

In response to applicant's argument that in Hile, it disclosed the local agent/transfer agent which polls the server for a task request (refer to 0021, Lines 2), receiving the task request from the server, the task request identified a file from at least one local computer associated with the local agent (instruction that identified a file, refer to 0021, Lines 11), in responsive to the task request, causing the file to be uploaded (refer to 0022, Lines 6-7 and 0024, Lines 1-2, and 0019, Lines 1-4), and waiting for a schedule timer to expire (refer to 0019, lines 13, amount of time that agent can perform polling again), and repeating at least the above act of polling a server for a task request (refer to 0019, Lines 10-11);

Therefore, Hile comprised all the limitations indicated in the instant application.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hile et al hereinafter Hile (US 2002/0023140).

1. Referring to Claims 1, 8 and 15, Hile disclosed a method for use by a local agent module associated with one or more local computers to enable remote access to at least one file residing on the one or more local computers, comprising:

polling a server for a task request (refer to 0021, and 0027;

receiving the task request from the server (refer to 0021), the task request identifying a file from at least one local computer associated with the local agent;

responsive to the task request, causing the file to be uploaded to the server (refer to 0021)

waiting for a schedule timer to expire (time left to expire, refer to 0019); and

repeating at least the above act of polling a server for a task request (refer to 0019) .

2. Referring to Claims 2 and 9, Hile discloses

setting up local agent preferences (refer to 0027);

setting up remote client preferences (refer to 0026);

initiating the act of polling, based on the local agent preferences (refer to 0027);

and initiating an act of uploading based on the remote client preferences (refer to 0018, 0025).

3. Referring to Claims 3 and 10, Hile discloses wherein the act of polling occurs over a

transmission control protocol/internet protocol stack, through functions specified in a simple

object access protocol interpreter (refer to 0015).

4. Referring to Claims 4 and 11, Hile discloses wherein the act of causing the file to be uploaded

includes:

initiating a request to a subsystem for the file (refer to 0020);

and receiving the file from the subsystem (refer to 0026);

5. Referring to Claim 6 and 13, Hile discloses wherein the act of causing the file to be uploaded

includes:

initiating a request to a message access protocol interface for the file from a message access

protocol interface database (it is inherent the system comprises a database/memories that stores

information/files)

and receiving the file from the message access protocol database (refer to 0015, 0021).

6. Referring to Claims 7 and 14, Hile discloses wherein the act of causing the file to be uploaded includes instructing the file to be sent to the server (refer to 0021), but Hile discloses the use of message access protocol (refer to 0015).

7. Referring to Claim 16, Hile discloses wherein the one or more protocol stacks includes a transmission control protocol/internet protocol stack (refer to 0015).

8. Referring to Claim 17, Hile discloses wherein the one or more protocol stacks includes a simple object access protocol interpreters (refer to 0015).

9. Referring to Claim 18, Hile discloses comprising a subsystem for executing a task from the task request (refer to 0014).

10. Referring to Claim 19, Hile discloses configured to initiate a request to a message application programming interface database (refer to 0020-0022).

11. Referring to Claim 20, Hile discloses configured to receive a file from a message application programming interface database (refer to 0020-0022).

12. Referring to Claims 5 and 12, Hile discloses wherein the act of causing the file to be uploaded includes:

initiating a request to a subsystem for the file (refer to 0020).

instructing the subsystem to upload the file to the server (refer to 0021-0022).

receiving an indication that the file was uploaded to the server (0024).

<div align="center">

*Conclusion*

</div>

A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The

examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Tang

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER